

AMENDED IN SENATE MAY 10, 2010

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Caballero

February 26, 2009

~~An act to amend Sections 25124 and 36933 of the Government Code, relating to ordinances. An act relating to land conservation, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Caballero. ~~County and city ordinances: publishing and posting requirements. Land conservation: subventions to local government: funding.~~

Existing law, known as the California Land Conservation Act of 1965, or the Williamson Act, authorizes a city or county, by contract, to limit the uses of land to agricultural uses or as an agricultural preserve in exchange for reduced property taxes. Existing law provides replacement revenues to local governments by reason of the reduction of the property tax on open-space lands assessed under specified provisions of the Revenue and Taxation Code (subvention payments), including lands enrolled under the Williamson Act. Existing law continuously appropriates to the Controller from the General Fund a sum sufficient to make the payments required under those provisions.

The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, makes \$290,000,000 available, upon appropriation, for the protection, creation, and enhancement of flood protection corridors and bypasses through certain actions, including acquiring easements and other interests in real property to protect or enhance flood protection corridors and bypasses while preserving or enhancing the agricultural use of the real property, and acquiring interests in, or providing incentives for maintaining agricultural uses of, real property that is located in a flood plain that cannot reasonably be made safe from future flooding.

This bill would appropriate an unspecified amount from those bond moneys to the Controller, for subvention payments for those parcels enrolled under the Williamson Act for purposes consistent with specified agricultural and flood protection corridor purposes for which the bond moneys are made available.

~~(1) Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance by the board, to cause the ordinance to be published, with the names of those members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the county, as specified.~~

~~This bill would authorize the county board of supervisors to either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the county and provide a copy of the notice of adoption of the ordinance upon written request of any person, as specified.~~

~~(2) Existing law requires the city clerk, within 15 days after the passage of an ordinance by the city council, to cause the ordinance to be published, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, as specified.~~

~~This bill would authorize the city clerk to either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the city and provide a copy of the notice of adoption of the ordinance upon written request of any person, as specified.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Of the funds made available pursuant to Section*
2 *5096.825 of the Public Resources Code, the sum of _____ dollars*
3 *(\$_____) is hereby appropriated to the Controller, for subvention*
4 *payments pursuant to Chapter 3 (commencing with Section 16140)*
5 *of Part 1 of Division 4 of Title 2 of the Government Code for those*
6 *parcels enrolled in a land conservation program pursuant to the*
7 *California Land Conservation Act of 1965 (also known as the*
8 *Williamson Act)(Chapter 7 (commencing with Section 51200) of*
9 *Part 1 of Division 1 of Title 5 of the Government Code) for*
10 *purposes consistent with subdivision (a) or (e) of Section 5096.825*
11 *of the Public Resources Code.*

12 ~~SECTION 1. Section 25124 of the Government Code is~~
13 ~~amended to read:~~

14 ~~25124. (a) Except as provided in subdivision (d), before the~~
15 ~~expiration of 15 days after the passage of an ordinance the county~~
16 ~~board of supervisors shall do one of the following:~~

17 ~~(1) Publish the ordinance once, with the names of the members~~
18 ~~voting for and against the ordinance, in a newspaper published in~~
19 ~~the county if there is one, and if there is no newspaper published~~
20 ~~in the county, the ordinance shall be posted in a prominent location~~
21 ~~at the board of supervisors' chambers within the 15-day period~~
22 ~~and remain posted thereafter for at least one week.~~

23 ~~(2) Post the ordinance, with the names of those members of the~~
24 ~~board of supervisors voting for and against the ordinance, on an~~
25 ~~official Internet Web site of the county, and provide a copy of the~~
26 ~~notice of adoption of the ordinance upon written request of any~~
27 ~~person in the manner described in Section 54954.1. If a county~~
28 ~~board of supervisors chooses to post an ordinance pursuant to this~~
29 ~~paragraph, the county board of supervisors shall post a legal~~
30 ~~advertisement in a newspaper of general circulation at least once~~
31 ~~a week for four consecutive weeks that provides notice that as of~~
32 ~~the date specified all approved ordinances will be available for~~
33 ~~review on the county's official Internet Web site and will no longer~~
34 ~~be printed in the newspaper. The notice in the legal advertisement~~
35 ~~shall include the Internet Web site address where the ordinances~~
36 ~~can be found and information on how a mailed copy of the~~
37 ~~ordinances may be obtained.~~

1 (b) ~~The local agency, at its option, may include in an ordinance~~
2 ~~reclassifying land either a brief description accompanied by a map~~
3 ~~of the boundaries of the property, as recited in the notice of hearing,~~
4 ~~or a complete metes and bounds description accompanied by a~~
5 ~~map depicting the reclassified property and adjacent properties.~~
6 ~~Except for maps, any exhibit attached to and incorporated by~~
7 ~~reference in an ordinance need not be published in its entirety if~~
8 ~~the publication lists all those exhibits by title or description and~~
9 ~~includes a notation that a complete copy of each exhibit is on file~~
10 ~~with the clerk of the board of supervisors and is available for public~~
11 ~~inspection and copying in that office in accordance with the~~
12 ~~California Public Records Act, Chapter 3.5 (commencing with~~
13 ~~Section 6250) of Division 7 of Title 1. A certificate of the clerk~~
14 ~~of the board of supervisors or order entered in the minutes of the~~
15 ~~board that the ordinance has been duly published or posted is prima~~
16 ~~facie proof of the publication or posting.~~

17 (c) ~~The publication or posting of ordinances, as required by~~
18 ~~subdivision (a), may be satisfied by either of the following actions:~~

19 (1) ~~The county board of supervisors may publish a summary of~~
20 ~~a proposed ordinance or proposed amendment to an existing~~
21 ~~ordinance. The summary shall be prepared by an official designated~~
22 ~~by the board of supervisors. A summary shall be published and a~~
23 ~~certified copy of the full text of the proposed ordinance or proposed~~
24 ~~amendment shall be posted in the office of the clerk of the board~~
25 ~~of supervisors at least five days prior to the board of supervisors~~
26 ~~meeting at which the proposed ordinance or amendment or~~
27 ~~alteration thereto is to be adopted. Within 15 days after adoption~~
28 ~~of the ordinance or amendment, the board of supervisors shall~~
29 ~~publish a summary of the ordinance or amendment with the names~~
30 ~~of those supervisors voting for and against the ordinance or~~
31 ~~amendment and the clerk shall post in the office of the clerk of the~~
32 ~~board of supervisors a certified copy of the full text of the adopted~~
33 ~~ordinance or amendment along with the names of those supervisors~~
34 ~~voting for and against the ordinance or amendment.~~

35 (2) ~~If the county official designated by the board of supervisors~~
36 ~~determines that it is not feasible to prepare a fair and adequate~~
37 ~~summary of the proposed or adopted ordinance or amendment,~~
38 ~~and if the board of supervisors so orders, a display advertisement~~
39 ~~of at least one-quarter of a page in a newspaper of general~~
40 ~~circulation in the county shall be published at least five days prior~~

1 to the board of supervisors meeting at which the proposed
2 ordinance or amendment or alteration thereto is to be adopted.
3 Within 15 days after adoption of the ordinance or amendment, a
4 display advertisement of at least one-quarter of a page shall be
5 published. The advertisement shall indicate the general nature of,
6 and provide information about, the proposed or adopted ordinance
7 or amendment, including information sufficient to enable the public
8 to obtain copies of the complete text of such ordinance or
9 amendment, and the names of those supervisors voting for and
10 against the ordinance or amendment.

11 (d) If the clerk of the board of supervisors fails to publish an
12 ordinance within 15 days after the date of adoption, the ordinance
13 shall not take effect until 30 days after the date of publication.

14 SEC. 2. Section 36933 of the Government Code is amended
15 to read:

16 36933. (a) (1) Within 15 days after its passage, the city clerk
17 shall do either of the following:

18 (A) Cause each ordinance to be published at least once, with
19 the names of those city council members voting for and against
20 the ordinance, in a newspaper of general circulation published and
21 circulated in the city, or if there is none, he or she shall cause it to
22 be posted in at least three public places in the city or published in
23 a newspaper of general circulation printed and published in the
24 county and circulated in the city.

25 (B) Post the ordinance, with the names of those city council
26 members voting for and against the ordinance, on the city's official
27 Internet Web site and provide a copy of the notice of adoption of
28 the ordinance upon written request of any person in the manner
29 described in Section 54954.1. If a city clerk chooses to post an
30 ordinance pursuant to this paragraph, the city clerk shall post a
31 legal advertisement in a newspaper of general circulation at least
32 once a week for four consecutive weeks that provides notice that
33 as of the date specified all approved ordinances will be available
34 for review on the city's official Internet Web site and will no longer
35 be printed in the newspaper. The notice in the legal advertisement
36 shall include the Internet Web site address where the ordinances
37 can be found and information on how a mailed copy of the
38 ordinances may be obtained.

39 (2) In cities incorporated less than one year, the city council
40 may determine whether ordinances are to be published or posted.

1 Ordinances shall not be published in a newspaper if the charge
2 exceeds the customary rate charged by the newspaper for
3 publication of private legal notices, but these ordinances shall be
4 posted in the manner and at the time required by this section.

5 (b) Except as provided in Section 36937, an ordinance shall not
6 take effect or be valid unless it is published or posted in
7 substantially the manner and at the time required by this section.

8 (c) The publication or posting of ordinances, as required by
9 subdivision (a), may be satisfied by either of the following actions:

10 (1) The city council may publish a summary of a proposed
11 ordinance or proposed amendment to an existing ordinance. The
12 summary shall be prepared by an official designated by the city
13 council. A summary shall be published and a certified copy of the
14 full text of the proposed ordinance or proposed amendment shall
15 be posted in the office of the city clerk at least five days prior to
16 the city council meeting at which the proposed ordinance or
17 amendment or alteration thereto is to be adopted. Within 15 days
18 after adoption of the ordinance or amendment, the city council
19 shall publish a summary of the ordinance or amendment with the
20 names of those city council members voting for and against the
21 ordinance or amendment, and the city clerk shall post in the office
22 of the city clerk a certified copy of the full text of the adopted
23 ordinance or amendment along with the names of those city council
24 members voting for and against the ordinance or amendment; or

25 (2) If the city official designated by the city council determines
26 that it is not feasible to prepare a fair and adequate summary of
27 the proposed or adopted ordinance or amendment, and if the city
28 council so orders, a display advertisement of at least one-quarter
29 of a page in a newspaper of general circulation in the city shall be
30 published at least five days prior to the city council meeting at
31 which the proposed ordinance or amendment or alteration thereto
32 is to be adopted. Within 15 days after adoption of the ordinance
33 or amendment, a display advertisement of at least one-quarter of
34 a page shall be published. The advertisement shall indicate the
35 general nature of, and provide information about, the proposed or
36 adopted ordinance or amendment, including information sufficient
37 to enable the public to obtain copies of the complete text of the
38 ordinance or amendment, and the names of those city council
39 members voting for and against the ordinance or amendment.

1 ~~(d) (1) Any member of the public may file with the city clerk,~~
2 ~~or any other person designated by the governing body to receive~~
3 ~~these requests, a request for notice of specific proposed ordinances~~
4 ~~or proposed amendments to ordinances.~~

5 ~~(2) Notice pursuant to paragraph (1) shall be mailed or otherwise~~
6 ~~transmitted at least five days before the council is scheduled to~~
7 ~~take action on the proposed ordinances or proposed amendments~~
8 ~~to an ordinance. Notice may be given by written notice properly~~
9 ~~mailed or by e-mail if the requesting member of the public provides~~
10 ~~an e-mail address. Notice may be in the form specified in either~~
11 ~~paragraph (1) or (2) of subdivision (c), as determined by the city~~
12 ~~council.~~

13 ~~(3) As an alternative to providing notice as requested of specific~~
14 ~~proposed ordinances or proposed amendments to ordinances, the~~
15 ~~city clerk, or other person designated by the governing body, may~~
16 ~~place the requesting member of the public on a general mailing~~
17 ~~list that gives timely notice of all governing body public meetings~~
18 ~~at which proposed ordinances or proposed amendments to~~
19 ~~ordinances may be heard, as provided in Section 54954.1. If this~~
20 ~~alternative is selected, the requesting member of the public shall~~
21 ~~be so advised.~~

22 ~~(4) The city may charge a fee that is reasonably related to the~~
23 ~~costs of providing notice pursuant to this subdivision. The city~~
24 ~~may require each request to be annually renewed.~~

25 ~~(5) Failure of the requesting person to receive the information~~
26 ~~pursuant to this subdivision shall not constitute grounds for any~~
27 ~~court to invalidate an otherwise properly adopted ordinance or~~
28 ~~amendment to an ordinance.~~